

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SAN JUAN CITIZENS ALLIANCE et al.,)	No. 1:16-cv-00376-JOB-JHR
)	
Plaintiffs,)	
)	
v.)	Joint Status Update
)	
UNITED STATES BUREAU OF LAND)	
MANAGEMENT et al.,)	
)	
Defendants.)	
)	

On June 14, 2018, the District of New Mexico held that the Bureau of Land Management’s (“BLM”) environmental analysis for thirteen oil and gas leases on U.S. Forest Service land in the Santa Fe National Forest was inadequate under the National Environment Policy Act (“NEPA”) in certain respects. *San Juan Citizens All. v. U.S. Bureau of Land Mgmt.*, 326 F. Supp. 3d 1227 (D.N.M. 2018). The Court “set[] aside” BLM’s Finding of No Significant Impact, “set[] aside” the leases, and “remand[ed]” the matter to BLM “for further analysis, consistent with the Court’s discussion . . . of the environmental impacts of the decision to grant the leases at issue.” *Id.* at 1256. The Court’s opinion did not analyze any other aspects of the leasing process, such as BLM’s acceptance of expressions of interest for these parcels; BLM’s analysis of cultural, wildlife, and historical resources; BLM’s consultation with tribes; or BLM’s conduct of the actual lease sale (including preparing sale notices, ensuring compliance with electronic accessibility requirements, and accepting bids).

The BLM has taken the following steps to implement this Court’s Order. First, on November 5, 2018, BLM informed the lessees affected by this litigation and who remained in good standing that BLM had suspended their leases and associated rental payments because of

the Court's decision in this case. Decl. ¶ 6; cf. 30 U.S.C. § 209 and 43 C.F.R. § 3103.4-4. As a result, no development activities will occur on the leases for the duration of the suspension and BLM retains authority ultimately to cancel any of the subject leases if it determines, upon completion of its NEPA analysis, that BLM had issued the lease improperly. 43 C.F.R. § 3108.3(d).

Second, BLM is in the process of revising its NEPA analysis to address the issues identified in this Court's Order and Opinion. That revised analysis will include a 30-day scoping period, a 30-day comment period on the draft Environmental Assessment, and a 30-day protest period. Decl. ¶ 8. By agreement of the Parties, BLM has also committed to notify Plaintiffs when the scoping, comment, and protest periods occur and notify Plaintiffs of any change in lease status while the NEPA process is ongoing. Decl. ¶¶ 9–10.

Respectfully submitted this 19th day of April, 2019,

JEAN E. WILLIAMS
Deputy Assistant Attorney General

/s/ Rebecca Jaffe
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2019, I filed through the United States District Court ECF System the foregoing Joint Status Update to be served by CM/ECF electronic filing on all counsel of record.

/s/ Rebecca Jaffe
Rebecca Jaffe
U.S. Department of Justice

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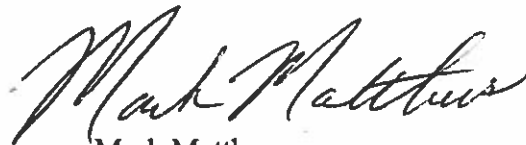
DECLARATION OF MARK MATTHEWS

I, Mark Matthews, declare the following to be true and correct:

1. I currently hold the position of District Manager (Acting) for the Bureau of Land Management (BLM).
2. In 1985, I received a B.S. in Agriculture, Major Range Science from New Mexico State University. I have been employed by the BLM since 1988. I worked in the Range Program until 2007 when I became an Assistant Field Manager in the Socorro Field Office. In 2014, I transitioned into the Field Manager Position in the Socorro Field Office.
3. In June of 2018, I started my current position of Acting District Manager for the Farmington District Office for the BLM. As part of my duties, I am responsible for providing leadership, motivation, direction and decisions including technical and administrative supervision of assigned employees including the Field Managers of the Farmington Field Office and Taos Field Office in implementing BLM policies, programs and mission. I am responsible for the day to day operations as well as prioritizing workloads for the short and long term in coordination with the New Mexico State Office.

4. As part of my duties, I have been working with the Farmington Field Manager, Farmington Field Office Staff, New Mexico State Office Staff and the Department of the Interior's Office of the Solicitor in the response to the Memorandum Opinion and Order filed on June 14, 2018.
5. The BLM's Farmington Field Office is in the process of amending its analysis pursuant to the National Environmental Policy Act in a manner consistent with the Memorandum Opinion and Order filed on June 14, 2018, in this matter.
6. On November 5, 2018, the BLM New Mexico State Office suspended operations and production and associated rental payments for the leases from this litigation that are in good standing (lease numbers NM 133503, NM 133504, NM 133492, NM 133493, NM 133494, NM 133499, NM 133501, and NM 133502), effective July 1, 2018, pursuant to Section 39 of the Mineral Leasing Act, as amended, 30 U.S.C. §209. No development on these leases may occur while they are suspended. Upon completion of its analysis under NEPA, the BLM retains the authority to make an informed decision on whether to cancel the suspended leases or lift the suspension of the suspended leases.
7. The remaining leases (lease numbers NMNM133495, NMNM133496, NMNM133497, NMNM133498, NMNM133500) were terminated effective November 1, 2017 by operation of law pursuant to 43 C.F.R. §3108.2. The leaseholder of the above terminated leases applied for reinstatement on November 2, 2018, pursuant to 30 U.S.C §188(d) and (e) and 43 CFR §3108.2-3. The BLM will not process any petition for reinstatement for these terminated leases until completion of its analysis under NEPA. Upon completion of its analysis under NEPA, the BLM retains the authority to reject the reinstatement of the cancelled leases or to reinstate the cancelled leases.

8. As part of its amended analysis under NEPA, the BLM will provide the public a 30-day scoping period, a 30-day public comment period on the draft Environmental Assessment, and a 30-day protest period of any proposed decision.
9. The BLM will notify Plaintiffs of the 30-day scoping period, the 30-day public comment period, and 30-day protest period.
10. After BLM completes its revised NEPA analysis and makes its decisions, the BLM will additionally notify Plaintiffs of any decision to cancel the leases, lift the suspensions, reject reinstatement, or reinstate the above leases.
11. The statements made in this declaration are based upon my personal knowledge, or upon information available to me in my official capacity, and are true and correct to the best of my knowledge and belief.
12. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 under the laws of the United States of America that the foregoing is true and correct.



Mark Matthews
BLM Farmington
District Manager (Acting)
April 2, 2019